

# **SIGNIFICANT CHANGES**

## **2017 Public Housing Authority Plan (ACOP and Administrative Plans)**

The Public Housing Authority (PHA) must define any significant changes to its policies or plans. The PHA defines a “substantial deviation” and “significant amendment/modification” as any change in policy which significantly and substantially alters the Authority’s stated mission and the persons the Authority serves. The proposed changes below have been deemed “significant”.

New language is indicated in red. Deleted language is shown in ~~strikeout~~.

There are 21 proposed changes to the 2017 PHA Plan which have been deemed “significant”. There are 13 significant changes in the ACOP and eight significant changes in the Administrative Plan.

## **ADMISSIONS AND CONTINUED OCCUPANCY** **POLICY (ACOP)**

### **Chapter 2 - Eligibility for Admission**

#### **B. Family Composition (HUD CFR 5.403) Def. of Family at Admission**

##### **APPLICANTS WITH NON-BIOLOGICAL MINOR CHILDREN:**

An applicant household who wishes to include a non-biological child(ren) must provide documentation they are authorized to act as a guardian to the child(ren). Documentation may include:

- A court ordered guardianship order;
- A notice from the County Welfare department verifying the child is in the home of the applicant;
- A letter of placement from a foster care or adoption agency; or
- A notarized letter from the parent of the child stating the applicant has been granted custody of the child; and a letter from each school aged child’s school verifying the address at which the child is registered and the person who is listed as the guardian;

If SHRA receives contradicting information or documentation related to the custody of the child(ren), SHRA may refuse to add the child(ren) until it receives conclusive evidence of guardianship. Documentation may include letters of guardianship from the courts or a letter from an agency known to provide verification, such as the Department of Human Assistance.

## **D. Social Security Numbers**

### **1. ADDITION OF A NEW HOUSEHOLD MEMBER**

If a minor under the age of 6 years is part of the applicant's household and is missing their Social Security number, the applicant may become a participant, so long as the Social Security number is received within 90 days.

If SHRA determines at its discretion that the applicant family could not supply the Social Security documentation through no fault of their own, they may grant the applicant family an additional 90 days. If the family fails to supply the required documentation at the end of the given time frame (90 or 180 days), the applicant or participant family will be removed from the program and will be offered an informal review if they are still an applicant family or the applicable due process if they are a participant family.

## **G. Denial of Admission for Drug Related and/or Other Criminal Activity**

### **2. SCREENING FOR DRUG ABUSE AND OTHER CRIMINAL ACTIVITY**

Obtaining summary criminal history information for the purpose of screening a prospective participant/applicant includes:

- Any information concerning any arrest, conviction, or release from custody that occurred within at least the past ~~seven (7)~~ **five (5) years** by applicants. Any information regarding a pattern or repeated acts of criminal or drug related behavior that occurred within at least the past ~~seven (7)~~ **five (5) years** by applicants
- Any felony offense that involved any activity related to controlled substances or alcoholic beverages within at least the past ~~seven (7)~~ **five (5) years** [CA Penal Code § 11105.3]

### **3. SECURITY AND CRIMINAL BACKGROUND CHECK**

The PHA will verify any involvement in criminal activity on the part of any applicant family or household member who intends to reside in the PHA leased premises:

- Involvement in criminal activity by any member of an applicant family or household member that would adversely affect the health, safety, or welfare of other tenants will be verified using information from the criminal records system of the City and County of Sacramento, the State of California, and the federal National Crime Information Center (the "NCIC"). The PHA will also examine criminal histories provided by other States or municipalities, court records, and other evidence that might document any criminal activity. In addition, the current and former landlords and housing providers will be asked to indicate problems during the applicant's tenancy. The Authority will review police reports for any criminal activity during the ~~seven (7)~~ **five (5)** year period prior to consideration for admission.
  
- The PHA will use the criminal records system of the City and County of Sacramento, the State of California, the NCIC, DOJ, and other states and/or municipalities to check all applicants for any evidence of:
  - (1) Any and all information relative to any criminal convictions or activity, both felonies and misdemeanors within the past ~~seven (7)~~ **five (5)** years;

## Chapter 6 - DETERMINATION OF TOTAL TENANT PAYMENT

### B. INCOME AND ALLOWANCES

#### MAXIMUM ~~FOUR~~ **TWO** YEAR DISALLOWANCE

The earned income disallowance is limited to a lifetime **twenty-four (24)** ~~forty-eight (48)~~ month period for each **the qualifying** family member. For each **qualifying** family member the disallowance only applies for a maximum of twelve (12) months of full exclusion of incremental increase and a maximum of twelve (12) months of phase-in exclusion during the **twenty-four (24)** ~~forty-eight (48)~~ month period starting from the date of the initial exclusion.

If the period of increased income does not last for twelve (12) consecutive months the disallowance period may be resumed at any time within the **twenty-four (24)** ~~forty-eight (48)~~ month period and continue until the disallowance has been applied for a total of twelve (12) months of each disallowance (the initial twelve (12) month full exclusion and the second twelve (12) month phase-in exclusion).

No earned income disallowance will be applied after the **twenty-four (24)** ~~forty-eight (48)~~ month period following the initial date the exclusion was applied regardless of whether the family has received the full exclusion for

a total of twelve (12) months or the phase-in exclusion for the total of twelve (12) months.

## **K. Assets and Asset Income**

~~Tenants can self-certify assets less than \$5,000 and these assets do not require verification.~~

Tenants with assets less than \$5,000 will require third-party verifications from financial institutions of all family assets upon admittance to the program and then again at least every 3 years thereafter.

## **P. PRORATION OF ASSISTANCE FOR "MIXED" FAMILIES**

### **MAXIMUM RENT**

~~Maximum rent is the maximum rent that the PHA can charge for the unit. This is not the same as flat rent/market rent.~~ The flat rent will be utilized as the maximum rent and will be used in the calculation of prorated tenant rent for mixed families (families with one or more member who are ineligible non-citizens and not eligible for housing assistance).

The PHA will establish new maximum flat rents each year at the beginning of its fiscal year (January) and will make these rents effective with annual reexamination effective March 1 and later.

## **Chapter 9 - LEASING [24 CFR 966.4]**

### **A. LEASE TERMS AND CONDITIONS**

#### ~~**ABILITY TO COMPLY WITH LEASE TERMS**~~

~~If during the term of the lease, the resident, due to a physical or mental disability covered by the Americans with Disabilities Act (ADA), is no longer able to comply with the provisions of the lease and cannot make arrangements for someone to aid him/her in complying with the lease, and the PHA cannot make reasonable accommodations that would enable the resident to comply with the lease, then the PHA will initiate termination of the tenancy. At the conclusion of termination of tenancy process, the PHA will terminate for cause.~~

The resident agrees not to do any of the following in the dwelling unit without first obtaining the PHA's written permission:

- Possess a waterbed or liquid filled furniture

### **M. INSPECTIONS OF PUBLIC HOUSING UNITS**

## RESIDENT DAMAGES

Residents who cause significant damage to PHA property that lead to unit uninhabitability may be subject to termination of tenancy based on the circumstances of the incident. The Tenant shall have the right to request a hearing under the PHA grievance procedure and will not have to move until the time to request a grievance has expired.

## Chapter 10 - PET POLICY

### **K. Refusal to Register Pets**

~~The PHA shall not refuse to accept the registration of a pet based on the determination that the pet owner is financially unable to care for the pet. If the PHA refuses the registration of a pet, written notification will be sent to the pet owner stating the reason for denial and shall be served in accordance with HUD notice requirements.~~

If the PHA refuses the registration of a pet, written notification will be sent to the pet owner stating the reason for denial and shall be served in accordance with HUD notice requirements.

## Chapter 11 – RECERTIFICATIONS

### **B. ANNUAL RECERTIFICATIONS**

~~Pursuant to PIH 2013-03, Temporary Compliance Assistance, the PHA has elected to offer Elderly and disabled Residents on a Fixed Income a streamlined annual recertification procedure. Streamlined means that the PHA may take last year's fixed income amounts, usually SS, SSI, SSDI, pension, annuity or any other similar periodic payments that are substantially the same from year to year, and applying the published COLA amount for the year to determine gross income.~~

#### **Income Determination of Fixed Income Sources [24 CFR 960.257]**

On April 7, 2016 HUD issued PIH 2016-05(HA), Attachment D, Streamlining Administrative Regulations for Programs Administered by Public Housing Agencies. According to this notice, any family member with a fixed source of income, a PHA may elect to determine that family member's income by means of a streamlined income determination. A streamlined income determination must be conducted by applying, for each fixed-income source, the verified cost of living adjustment (COLA) or current rate of interest to the previously verified or adjusted income amount.

The PHA will apply this streamlined income determination for all fixed income sources in the following way:

- The PHA will only use the streamlined income determination as part of a reexamination. This will require third-party verification of all income for applicants during the admissions process.
- A “family member with a fixed source of income” is defined as a family member whose income includes periodic payments at reasonably predictable levels from one or more of the following sources:
  - Social Security, Supplemental Security Income (SSI), Supplemental Security Disability Insurance (SSDI);
  - Federal, state, local, or private pension plans;
  - Annuities or other retirement benefit programs, insurance policies, disability or death benefits, or other similar types of periodic receipts; or
  - Any other source of income subject to adjustment by a verifiable COLA or current rate of interest.
- The PHA will use a COLA or current rate of interest specific to the fixed source of income in order to adjust the income amount. The PHA will verify the appropriate COLA or current rate of interest from a public source or through tenant-provided, third party-generated documentation. If no such verification is available, then the PHA will obtain third-party verification of income amounts in order to calculate the change in income for the source.
- For any family member whose income is determined pursuant to a streamlined income determination, the PHA will obtain third-party verification of all income amounts every 3 years.

## **C. REPORTING INTERIM CHANGES**

### **DECREASES IN INCOME AND RENT ADJUSTMENTS**

Residents may report a decrease in income and other changes, such as an increase in allowances or deductions, which would reduce the amount of the total tenant payment. The PHA will process the rent adjustment unless the PHA confirms that the decrease in income will last less than thirty (30) days **and/or less than fifty dollars (\$50) per month.**

## **Chapter 14 - FAMILY DEBTS TO THE PHA**

### **G. Debt Transfer**

If a resident transfers to another dwelling unit operated by the PHA, the current lease shall terminate and a new lease shall be executed for the new

dwelling unit. Any debt incurred by the resident of the previous dwelling unit will transfer to the lease of the new dwelling unit.

## **Chapter 15 - COMMUNITY SERVICE AND SELF-SUFFICIENCY**

### **A. PROGRAM REQUIREMENTS**

Community service and economic self-sufficiency requirements mandate that each nonexempt adult household member (18 years or older) shall either contribute 8 hours per month of community service, or participate in an economic self-sufficiency program for 8 hours per month (see 24 CFR 960.603(a)). The requirements can also be met by performing a combination of 8 hours of community service and participation in an economic self-sufficiency program. The required community service or self-sufficiency activity may be completed at 8 hours each month or may be aggregated across a year. Any blocking of hours is acceptable as long as 96 hours is completed by each annual certification.

### **C. EXEMPT ADULTS**

Public Housing residents are exempt if they are:

- Receiving Temporary Assistance for Needy Families (TANF) assistance or Supplemental Nutrition Assistance Program (SNAP) and have not been found to be in non-compliance ~~with TANF or other work requirements~~ (Note: Individual members of the family receiving benefits or services under TANF or SNAP are exempt.)

# Administrative Plan 2017

## **CHAPTER 2 - ELIGIBILITY FOR ADMISSION**

### **PHA Factors [24 CFR 982.552]:**

~~Prospects may be denied admission based on pending criminal charges that are drug related, violent or threaten the safety of residents and personal property.~~ Admission of applicants with any current criminal charges may be delayed pending a final court decision. After the final court decision, the applicant's case will be reviewed to determine whether the applicant meets all of the admission criteria.

All families must meet or exceed the tenant selection and suitability criteria set forth in this chapter.

The PHA will not consider any convictions or arrests that are more than five years old, provided no other arrests or criminal activity has taken place during that period and the applicant ~~are~~ is not on formal probation or parole at the time they are selected from the waitlist.

An applicant must be in good standing with all Federal Housing programs in which he or she previously participated. If a debt is owed as a result of participation in any Federal Housing programs the applicant may be denied assistance. If participation has been terminated as a result of any violation of a family obligation, a family may be denied assistance. SHRA receives information about applicants' history with other federal programs from the Enterprise Income Verification (EIV) system.

### **Addition of a New Household Member:**

If a minor under the age of six is added to the applicant's household within a six-month period prior to the household's date of admission to the program, the applicant may become a participant, so long as the minor child's SSN is received within 90 days of the admission to the program.

At its discretion, that the applicant family could not supply the Social Security documentation through no fault of their own, it will grant the applicant family an additional 90 days to provide documentation of the SSN for the minor child. If the family fails to supply the required documentation at the end of the given time frame (90 or 180 days), the applicant or participant family will be removed from the program and will be offered an informal review if they are still an applicant or an informal hearing if they are a participant family.

### **Penalties for Failure to Disclose and/or Provide Documentation of the SSN:**

- **Applicants.** The PHA must deny the eligibility of an assistance applicant if s/he (including each member of the household required to disclose his/her SSN) does not disclose a SSN and/or provide documentation of such SSN, within 90 days, except for minors under the age of six as set forth above.

## **CHAPTER 5 - SUBSIDY STANDARDS**

### **Adding Additional Members to the Household**

All additions except for birth must have the prior approval of the owner and the PHA. Approvable additions may include:

- Spouse/partner and their minor children
- Minor who had been part of the assisted household who moved out and is returning to the household
- PHA pre-approved live-in aide
- Birth of children by an existing family member
- Adoption
- Long-term foster placement or court awarded custody
- Court granted guardianship/conservatorship
- Adult children under 24 years of age who left only to attend school
- Family members previously removed from the assisted household due to military deployment

## **CHAPTER 6 - FACTORS RELATED TO TOTAL TENANT PAYMENT AND FAMILY SHARE DETERMINATION**

**C. EARNED INCOME DISREGARD (EID)** [24 CFR 5.617, Federal Register issued March 8, 2016 and PIH notice 2016-05]

### **Initial Twelve-Month Exclusion**

The annual income for a qualified family member who is a person with disabilities may not be increased as a result of increases in earned income, beginning on the date on which the increase occurred and continuing for a cumulative 12-month period.

If the period of increased income does not last for 12 consecutive months, the **disregard** period may be resumed at any time within the **24-month** period, and continued until the **disregard** has been applied for a total of 12 cumulative months (the initial 12-month full exclusion).

No earned income **disregard** will be applied for that family member after the **24-month** period following the initial date the exclusion was applied.

### **Second Twelve-Month Exclusion and Phase-in**

After the expiration of the initial cumulative 12-month period, the PHA must exclude **at least 50 percent** of any increase in income of a family member who is a person with disabilities, from the annual income of a qualified family.

## **Maximum Two-Year Disregard**

The earned income **disregard** is limited to a lifetime **24-month** period for each family member who is a person with disabilities. For each family member who is a person with disabilities the **disregard** only applies for a maximum of 12 cumulative months of full exclusion of incremental increase, and a maximum of 12 cumulative months of phase-in exclusion during the **24-month** period, starting from the date of the initial exclusion.

## **Tracking the Earned Income Exclusion**

The earned income exclusion will be reported on the HUD 50058 form. Documentation will be included in the family's file to show the reason for the reduced increase in rent.

Such documentation may include:

- Date the increase in earned income was reported by the family
- Name of the family member whose earned income increased
- Reason (new employment, participation in job training program, within 6 months after receiving TANF) for the increase in earned income
- Amount of the increase in earned income (amount to be excluded)
- Date the increase in income is first excluded from annual income
- Date(s) earned income ended and resumed during the initial cumulative twelve month period of exclusion (if any)
- Date the family member has received a total of 12 months of the initial exclusion
- Date the twelve-month phase-in period began
- Date(s) earned income ended and resumed during the second cumulative twelve month period (phase-in) of exclusion (if any)
- Ending date of the maximum **twenty-four** month (**two** year) disregard period (**twenty four** months from the date of the initial earned income **disregard**)
- Date the family member has received a total of 12 months of the phase-in exclusion

## **Absence due to Military Service**

Absence of the Head of Household or the spouse/partner, due to military service, will be considered a temporary absence.

**Absence of other household member(s) due to enlistment in military training for up to three (3) months will be considered a temporary absence and their income will be counted. In such cases the family will be required to provide written verification that the household member is enlisted in training, the duration of the training, and the expected graduation or release-from-service date.**

**If a household member is absent due to military service not related to training as mentioned above, they will be considered permanently absent from the home. See "Permanent Absence of Family Members" above. Upon completion of a military**

assignment resulting in permanent absence, this family member may be added back to the household. See Chapter 5 Section A Determining Family Unit (Voucher Size) “Adding Additional Household Members”.

## **CHAPTER 7 - VERIFICATION**

### **E. VERIFICATION OF INCOME**

#### **Zero Income Status**

Families claiming to have no income will be required to complete a zero income packet and provide proof that prior income has ended. There will be a review of income every 90 days, the family will be required to provide all receipts/statements as requested. Recertifications will be processed for any change in income.

At any time the PHA may run a credit report.

## **CHAPTER 21 - PROJECT-BASED HOUSING CHOICE VOUCHER PROGRAM**

### **Chapter VII**

#### **ESTABLISHING PREFERENCES AND MAINTAINING THE WAIT LIST/TENANT SELECTION**

##### **A. TYPES OF WAIT LISTS**

The PHA will establish separate wait lists for:

##### 1) Tenant-Based Vouchers

Tenant-based assistance is attached to the family allowing the participant to relocate from one unit or Housing Authority to another. Preferences are found in Chapter 4 of the Administration Plan.

##### 2) Project-Based Vouchers

The owner must promptly notify the PHA of any vacancy or expected vacancy in a contract unit. After receiving the owner notice, the PHA will make every reasonable effort to promptly refer a sufficient number of families to the owner in order to fill such vacancies. Vacant units will be filled by families on the current Project-Based wait list, in order of preference, and then by date and time the pre-application was received where preferences are the same.

There may be site-based wait lists for the project-based voucher program or the waitlists for different sites may be consolidated if the preferences and/or eligible population are the same.

### 3) Project-Based VASH (Veteran Affairs Supportive Housing) Vouchers (Mather Veterans Village)

The Department of Veteran's Affairs or the Sacramento Veterans Resource Center will provide referrals for families to Mather Veterans Village (MVV) and any future VASH PBV projects. The owner or property management company for the PBV complex must promptly notify the PHA of any vacancy or expected vacancy in a contract unit. After receiving the owner's notice, the PHA will make every reasonable effort to promptly refer a sufficient number of families to the owner in order to fill such vacancies.

There may be site-based waitlists for the project-based voucher program or the waitlists for different sites may be consolidated if the preferences and/or eligible population are the same.